

THE  
TRYAL  
OF

John Giles

AT THE

SESSIONS HOUSE

IN THE

OLD BAYLY;

Held by Adjournment from the 7th Day  
of July, 1680, until the 14th Day of the  
same Month: The Adjournment being  
appointed on purpose for the said Giles  
his Trial, for a Barbarous and Inhu-  
mane Attempt, to Assassinate and Mur-  
ther

John Arnold Esq;

One of the Justices of Peace for the County of Mon-  
mouth, and now a Member of the Honourable  
HOUSE of COMMONS.

Made publick by Vertue of an Order of the Lords Spi-  
ritual and Temporal, in *Parliament Assembled*.

L O N D O N,

Printed by *Thomas James* for *Randal Taylor*, and by him Sold  
at his House near *Stationers Hall*: 1681.

# THE TRIAL

John Giles

**B**Y Vertue of an Order to me granted by the Lords Spiritual and Temporal in Parliament Assembled, dated on *Thursday* the 28th of *Octob.* 1680; I do appoint *Randal Taylor*, near *Stationers Hall*, to Print this Trial of *Mr. John Giles*, and that no other Person or Persons presume to print the same.

London, *Octob.*

JO COMBE.

John Arnold Esq;

One of the Justices of Peace for the County of Middlesex, and now a Member of the Honourable HOUSE OF COMMONS

Made publick by Vertue of an Order of the Lords Spiritual and Temporal, in Parliament Assembled.

Printed by Thomas Taylor for Richard Taylor, and sold at his Shop near Stationers Hall: 1680.



# To the Reader.

**C**ertain it is, that by the Fall of Adam, the General Peace establish'd through the whole Creation betwixt Man and Man, and even among the Beasts themselves, was universally broken. Nature could never restore that Peace to the Brute Animals, but that they still devour and prey one upon another. But Heaven provided for Rational Man a Sacred Means to regain and preserve that Blessed Unity; which would have always accompany'd his State of Innocency, which was the Observance of Religion; which as it binds us to God, so ought it to tie us one to another in the strict bonds of Heavenly Example. To this intent, at length Christ himself brought down from Heaven a Gospel of Love and Charity; so that, as it is the True Character of a True Religion to Unite and Preserve, so it is the most certain Sign of a False and Counterfeit Religion, to disunite and destroy Mankind.

From whence we may easily conclude, That as there is no Religion in the World that more impleys it self to the Destruction of Mankind, and the Subversion of National Order and Government, then that of Popery, so there can be no greater Argument of its being Counterfeit and False: that it ascended from below, never descended from above. Which if People blinded and besotted by Custom, cannot be brought to hate for it's ridiculous and abominable Blasphemous Ceremonies and Superstitions; they ought to abominate for its Tyranny and Cruelty. A Tyranny then which never was any Tyranny more Oppressing and Ruinous; a Cruelty, then which never was any more Barbarous among the Adorers of Moloch: as if it were their design to exceed the Ceremonies of the Old Law, by Sacrificing Men instead of Beasts.

Were not this Cruelty one of the main Points of their Doctrine; and Oppression one of the chief Supports

of

## To the Reader.

of their Bloody Principles, it might be thought a Defect of Government in some of their Particular Ecclesiastical Potentates, that such Enormities were committed. But the Torments of their Inquisition, their Assassination of Princes, the Maxims of their Policy, their practices of Extirpation of Hereticks, as they call 'em, their Devastations of whole Countreys, upon that account, their Croisado's to the Ruin of Emperors and Crowned Kings, sufficiently testify another thing. This very Plot, so providentially discovered, of which this very Tryal, brings a bloody part upon the Stage of the World, is but a link'd contrivance of their Designs of Massacre and Cruelty ever since Queen Elizabeth first ascended the English Throne.

'Tis the Misfortune of the Papists, that they maintain and assert those Principles in the Doctrine of their Religion, which they dare not own. And therefore never Men have ever us'd more Artifices to conceal their Villanies; and yet so Providence would have it, never did Men commit more Folly to help out the Discovery: While Murther and Assassination, in which they put their Confidence, gave Evidence against themselves; and Crimes discover Crimes. As if those Crimes would teach us how vainly Criminals object against the Testimony of Men, because they were once so bad as to be in the Conspiracy: as if that Murther made a Man a Saint, but Repentance and Confession made a Man a Devil.

In the Infancy of the Discovery, Sir Edmondbury Godfrey had onely taken a single Information of their Conspiracies, which because it should not be read, they could find no better an Expedient then to blur and cover the Writing with his Blood: So vain was their Belief that the Eye of Justice could not pierce through such a Crimson Stain: So swift was the pursuit of their Malice, to revenge themselves against the Law, upon a Person who had onely Acted according to the Law.

And as if their Motto had been, Nemo nos impune — Or that because they were disapointed in their Impious Attempts upon the Sacred Person of the Supream

## To the Reader.

pream Magistrate, they were resolv'd to wreck their Malice upon his Subordinate Ministers of Justice; they lay their Trains for this same Worthy Gentleman, John Arnold Esq; of Lanvihangel in the County of Monmouth, whose Misfortune was the Occasion of this Tryal. They could not be content by their Lies and false Reports to have scandilized and almost lull'd asleep the belief of the Plot, but they must awaken it again by the designed Murther of this Gentleman. To shew they were not such dull Scholars in the School of Blood, but that they could follow a fair President. He must be another Sir Edmondbury Godfrey, a second Victime to their Inexorable Malice, to deter others, by giving them to understand how unsafe it was to hinder the Progress of their busie Contrivances.

Highly had Mr. Arnold offended his Holiness, and his Viperous Brood, in Monmouth and Herefordshire. His active and indefatigable Diligence in discovering their Private Haunts, and giving life to those Laws that were in force against them, was a great Curb to their daring and encouraged Boldness in those Counties: Wherein his Zeal for the True Protestant Religion, and his Care of the Publick safety, were the more eminently remarkable, in that he had with no less Vigour proceeded in the discharge of his Duty, before the Discovery of the Plot, in the time of their highest Presumption and Encouragment, then after; as may appear by the Printed Abstract of Examinations, by him taken upon Oath in those Parts, and the Account given by him to the House of Commons upon the 12th of April 1678. He had also, since that, disturb'd within the Verge of his own Authority another Nest of Romish Adders, that advanc'd their Heads and hiss'd against the publick Laws of the Nation. And indeed such was his Vigilant Prosecution of those Vermin, that his Diligence reached the Ears of the publick Minister of Portugal; as hath been sworn before the Two Houses of Parliament by one of his prime Servants: who therefore thought him fit to be remov'd, and was privy to the Intention. So general was the Combination, so formidable his Integrity.

However it pleas'd the Over-ruling Providence, that notwithstanding the desperateness of the Attempt, and the barbarousness of the Execution, those Antichristian Bravo's miss'd their Bloody Aim; so that the loss of his Blood made only room for Justice, and the Scars of his Wounds, were but the Capital Letters that spelt Papistical Impiety: While he by a kind of Resurrection from the House of Death, becomes the Monument of his own Loyalty, and a Living Martyr and Victime to Romes Cruelty; from whose Inhumane Sufferings, neglected and upbraided Truth took a fair advantage to lay the Foundations of new Triumphs. Whom



## To the Reader.

*Heav'n would therefore have chosen into the Grand Senate of the Nation, that he might be in the Eye of the Kingdom, a Continual Evidence against that Irreligious Religion, of which that High Assembly seek with so much Zeal and Just Cause to suppress the growth and progress.*

*Nor can we here omit an honourable mention of that Worthy Gentleman, Edmund Warcup Esq; who while this Honour'd sufferer lay weltring in his Blood, and hung in the Ballance of Life or Death, gave those signal Testimonies of his Unwearied pains to serve the Publick and his Friend, which can never be forgotten. And to whose indefatigable and judicious Industry, as well in the Discovery of the Actors in this Tragedy, as in rommaging the most secret Penetralia of the Plot it self, the whole Nation is not a little indebted.*

*The Conviction then of the Person Arraigned upon this Tryal, ought to be accounted in the number of the most remarkable Records of the Popish Plot, and therefore made publick to be added to the rest for general satisfaction; all little enough to combat that Infidelity which either Weakness or Interest still cherish in the Nation. Not considering that it is the most Notorious Character of the great Whore, that she intoxicates with her pleasing Potions, and charms with the Gaudy Delusions of Pretence and Falshood. It were else impossible that Men should shut their Ears with so much obstinacy against the Attestations of such a crowd of undoubted Testimony; as if it could have been expected that only Knights of the Shire and L. Mayors, should have been engaged in such a Conspiracy. Whether some such kind of misbelief as this, were not the occasion that put this Tryal so much backward in the World, shall not be argu'd here; only the World must know 'twas none of Mr. Arnolds fault.*

*However it has this advantage, that it will be never out of season: The Murther of Sir Edmondbury Godfrey, and the Assassination upon Mr. Arnold, will be always at hand, if not to stop the Mouths, yet to curb the Insolence of unbelieving Bigots.*

*Nor let the Papists think that the Spirits of the True Protestants are yet so low, as to be cow'd, as they expected, by their Attempt upon this Gentleman. Such Acts of Violence as these, rather exasperate then terrify. And since they have been the Aggressors of the Publick Peace, by such Violations of the Laws Divine and Humane, it cannot be otherwise expected, but that the Ministers of Justice should be more careful to avoid their Ambuscado's for the future; not by withdrawing from their fury, but by exposing themselves more vigorously for the Preservation of the True Protestant Religion, and the safety of his Majesty, and the Peace of the Kingdom.*

*Fremit Satan, fremit Antichristus, tumultuantur Jesuitæ; & summa imis miscere conantur. Ex adversa igitur parte hisce furoribus, motibus & conatibus obviam ire licet, & omnis nervis contendere, ut vera Religio & Doctrina Verbi Dei pura conservetur, & a fermento Jesuitico strenue defendatur.*

T H E



# THE TRYAL OF

## John Giles.



THE Sessions began on Wednesday the Seventh day of July 1680, the Ninth day Mr. *John Giles* was brought to the Bar, to be Tried, and there pretended that he had Witnesses at *Monmouth*, who could testify very material things for him; and therefore prayed the Court to put off his Tryal until the next Sessions. Then the Court asked him his Witnesses Names, and what they could say? Which he then declared to the Court. Upon which Mr. *Arnold* being present and Prosecutor (*Tam pro Domino Rege quam pro seipso*) the Court asked his consent, and what he could say why the Tryal should not be put off; that so all the World might hereafter say, that Mr. *Giles* had all the favour that he could reasonably desire; and what the Court could in Justice shew him; and that no manner of Excuse might be left him?

After which, Mr. *Arnold* in a very pertinent Speech declared part of the Fact, and also of the Proceedings before his Wounding, as it had occurred between him and Mr. *Herbert*; and of his favourable and just Proceedings against Mr. *Herbert*, and also against *John Giles*, after the Fact was committed; and declared that

*Giles*

*Giles* had sufficient notice of his Tryal; but notwithstanding he did submit himself to the Judgement of the Court.

Thereupon the Court advising a Minute or two's space; it was ordered, That the Court should be adjourned until the Wednesday following; by which time Mr *Giles* might send to *Monmouth*, and have what Witnesses brought up he could get.

And the day appointed being come, and the Court being sat, Proclamation was made according to Custom. Then the following Jury were called and sworn: *Viz.*

*Christopher Plucknet*

*James Partridge*

*William Dodd*

*Lawrence Wood*

*Anthony Nurse*

*John Bradshaw*

*John Burton*

*William Withers*

*Nathan Goodwin*

*Edward Proby*

*George Wood*

*Richard Bromfield.*

Who according to the Form of Law, were charged to enquire, Whether the Prisoner were Guilty of the following Indictment, upon which he had been Arraigned, and had pleaded Not Guilty?

The

*The Indictment.*

**T**He Jurors of our Lord the King, upon their Oaths, do present that *John Giles*, late of the Parish of *St. Dunstons* in the West, in the County of *Middlesex* Gentleman, not having God before his Eyes, but being moved and seduced by the instigation of the Devil, contriving and maliciously, by a most wicked Conspiracy, with divers other Malefactors, to the Jurors unknown, fore-thought, and had, intending one *John Arnold* Esq; a faithful Subject to the King, and one of the Justices of the Peace, for the County of *Monmouth*, inhumanely to Maim, Wound, Kill, and Murther, the Fifteenth of April, in the Thirty second year of the Reign of our Sovereign Lord *Charles* the Second, by the Grace of God King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, &c. with the said Malefactors unknown, at the Parish of *St. Dunstons* in the West, aforesaid, in the County of *Middlesex* aforesaid, in and upon him the said *John Arnold*, then and there being in the Peace of God and the King, unlawfully, voluntarily, and of his Malice, fore-thought, with Force and Arms, that is to say, with Swords, Staves and Knives, of design, and by lying in wait, did make an Assault; and him the said *John Arnold*, did then and there Beat, Wound, Maim, and evilly Intreat, and the Throat and Face of him the said *John Arnold*, did grievously cut with a certain Knife, also divers, almost mortal Wounds, then and there, to the said *John Arnold*, that is to say, one Wound of the depth of Seven inches in his Body, between his Belly and his left Pap, two Wounds upon his Breast, and two Wounds in his left Arm; with certain Swords, did then and there give and impose, so that it was despaired of the said *John Arnold*'s Life, and other Enormities then and there unto him did bring, to the great danger of the said *John Arnold*, and against the



Peace of our said Lord the King, his Crown and Dignity.

Mr. Gibbs, Gentlemen, this is an Indictment against *John Giles*, the Prisoner at the Bar, for Assaulting, and intending to dispatch and murder *John Arnold*, one of his Majesties Justices of the Peace, on the 15th day of April. This *John Giles* and several others, did intend to kill Mr. *Arnold*, and set upon him in *Jackanapes-lane*; threw him down, and endeavoured to thrust their Swords into him, but finding no Penetration there, they kneeled upon him, and with a Knife endeavoured to Cut his Throat, and in one place made a very large Gash; and cut his Face; he endeavouring to keep them from his Throat, They gave him a Wound in his Side Seven Inches deep, between his Belly and left Pap. They gave him several other Wounds. To this he has pleaded not Guilty.

Mr. Holt. May it please your Lordship, and you Gentlemen of the Jury, I am Counsel for the King, and the Indictment hath represented to you the most Horrid, Vile and Barbarous Assault that has been almost ever committed, and that any man has heard of; and which I think scarce any thing in History can parallel. It was, Gentlemen, in its nature most cruel, by the giving him so many Wounds as are set forth in the Indictment; having first way-laid and surprized him near a place, and at such a time, as was convenient for the execution of their wicked Design. This Mr. *Arnold* having occasion to go through *Bell-yard*, between the hours of Ten and Eleven of the Clock at Night, at the end of *Jackanapes-lane*, he was suddenly seized by two Men, and by them halled into the Lane, where they gave him several Wounds, and used him in a most barbarous manner. And this did not arise from any private Difference or Animosity, that they could conceive against Mr. *Arnold*; but from a cause more general, that is, the Prosecution of the Horrid Popish Plot; against which Mr. *Arnold*, as became him, and according to the duty of his



his Office, he being a Justice of the Peace, was a very Zealous Person. Gentlemen, In the first place we will call Mr. *Arnold*, who shall plainly prove that this Prisoner at the Bar, was one of the three Assassines; and he proves it by a miraculous Providence. for just before they seized upon him, a Woman in *Bell-Tard* held out a Candle, which gave Mr. *Arnold* an opportunity to see the Prisoner at the Bar, and did perfectly discern him. Gentlemen, though this is enough, considering the Integrity and Reputation of the Person; yet we shall fortify his Evidence by strong and undeniable Circumstances, Circumstances that do particularly relate to this matter. In the first place, Gentlemen, the very day that this Fact was done, this Person, tho he had a good Sword by his side, yet he did inquire where he might buy a more convenient Sword, and did desire to know where he might have a Rapier, which was thought more convenient for this design. And the very next day after this Fact, tho Mr. *Arnold*'s having Armour on was a secret which no person but Mr. *Walcup* a Justice of the Peace, and Mr. *Arnold* himself; yet this same *Giles* could say, *Arnold* had Armour on; and if *Arnold* had not had Armour on, his business had been done. And after this Fact was committed, this *Giles* goes into *Glocestershire*, and being pursued by a guilty Conscience, he durst not stay there; for he was afraid, as he said himself, of being Apprehended for assassinating Mr. *Arnold*. After this, Gentlemen, he came to one *Darcy* a Cutler in *Monmouthshire*, with his Sword which was broken, and desired him to mend his Sword. *How now*, says he, *how came this Sword to be broken? Have you been fighting with the Devil?* No, says he, *I have been fighting with damn'd Arnold*. And at the very same time when these Villains thought they had effected their bloody purpose, and gave Mr. *Arnold* his dispatch: one of them said to him, *Now Villain, if thou hast any Life in thee, pray for the Soul of Captain Evans;* which *Evans* was a Priest Executed in *Wales*, upon

Mr.

Mr. *Arnold's* Prosecution, at whose Execution this *Giles* was present, and dipt his Handkerchief in his Blood. Now, Gentlemen, considering all this, which we will make plain to you by Mr. *Arnold*, and all these circumstances, I suppose you will have sufficient evidence to find him guilty.

Mr. *Thompson*, My Lord, and you Gentlemen of the Jury, the Indictment has been opened, and the matter of it, that base attempt made upon Mr. *Arnold*, that was a Justice of the Peace in *Monmouthshire*, that is shewed in the Indictment. But I must crave your Lordships leave, that I may more particularly open this case. This is a case, Gentlemen, of very Great Consequence, and tho' it more immediately concerns Mr. *Arnold*, yet it highly concerns every man present; you of the Jury, and I, nay, every other Freeman of *England*, which ought to be protected by the Laws, must needs be concerned at so great a Violation of them, and cannot but set our Faces against such villainous and barbarous Attempts as these, wherein there did not want the good will of the Actors to make it a most barbarous and bloody Murther. In the course of our Evidence and the method we will take to proceed in, it will be necessary to do these three things. First of all, we shall acquaint you with that which we apprehend to be the reason and occasion of this horrid Fact. Next we shall tell you what that Fact was. And in the last place, enquire how far this Defendant is guilty thereof.

For the First, Give me leave to acquaint you with what we apprehend to be the true Reason of this Assassination, 'tis notorious to most men, but especially to the County of *Monmouth*, where Mr. *Arnold* was a Justice of Peace; how active and diligent, how faithful and vigorous a man he has been in the discharge of his Duty to his King and Country, in putting the Laws in Execution against the Papists; and endeavouring to Suppress Popery: This was the ground of their Malice, as you will find by the Evidence, and by the several Threats that he had before

before this Act was done. But more particularly there was this occasion, there was one whom they called Captain *Evans*, but indeed was Father *Evans* a Popish Priest; this Man in *Monmouth* was taken by Mr. *Arnold*, and was prosecuted according to Law and convicted. I mention this Circumstance, because our Evidence will refer to it, and that you will see out of the Actors own mouths, if we may believe the Actors in this Bloody Tragedy when they did the Fact: This Prosecution of Father, Captain *Evans*, was no small occasion of their Villany which they Acted upon Mr. *Arnold*. These were the grounds of their malice, Gentlemen, and what happened to Mr. *Arnold* was the Effect. And I do the rather mention this particular, that you may know what sort of People these were that practised this Villany upon Mr. *Arnold*, for it will be a necessary Circumstance in our proof against this Prisoner at the Bar, to shew that he is one of that Bloody Tribe.

Gentlemen, the next thing is to shew, what this Fact was, and how it happened. Mr. *Arnold* had a controversie with one Mr. *Herbert*, another Justice of the Peace in *Monmouth-shire*; that Cause between them was to be heard before the King and Council the next day after this Fact was committed: I mention Mr. *Herbert*, but I hope he is more a Gentleman than to be concern'd in such a Villany. We will not at this time give any Evidence that relates to him: For truly I believe this could only be the contrivance of a Jesuite and the Practice of Bygotted Papists. But thus it happen'd, Mr. *Arnold* going to attend his Council upon this occasion, to prepare himself for this hearing, that was to be before the King and Council; in *Bell-Yard* there he is Set upon, there he is Wounded; there he is Murther'd, as these Assassines thought. And this Mr. *Arnold* will prove to you when he comes to give his Evidence. This to the Fact.

Gentlemen, The next is, now to consider how far this man at the Bar is guilty of it; and for that, Gentlemen,



lemen, we will give you Evidence of several sorts:

1. The positive proof of Mr. *Arnold* himself, who as Mr. *Holt* has observed before, almost by a miracle, discovered the Defendant's Face; for a Light accidentally coming out of one of the Neighbouring Houses, and the Defendant looking at Mr. *Arnold*, to see whether he was the Man they wanted; immediately upon that he was assaulted and carried into *Jackanapes-lane*, and was wounded in several places. This Gentlemen is plain, and will be positively proved; and then when this Man was taken upon Suspicion, and was carried before a Justice of the Peace, and Mr. *Arnold* was sent for, tho Mr. *Arnold* had no private Intimation, no kind of knowledg before-hand of *Giles's* being taken, and there were several men stood besides this man; yet tho he had never seen him before, but at the time when the Fact was done, Mr. *Arnold* immediately charged him with the Fact, and as soon as he heard him speak he knew his voice. This was so plain upon *Giles*, that he had not the power, tho he might have had the confidence, at that time to deny it: but instead of a denial, said, The matter could but amount to an Assault and Battery. In the next place we have Evidence from the Defendants own Mouth, which in a case of this nature ought to weigh as much as can be, and I think is as much as the nature of the thing is capable of. This man the very next day after Mr. *Arnold* had been thus Assaulted; discoursing with one *Phillips* by name, and relating the business which happened to Mr. *Arnold*, and before he could know he had Armour on, as we will prove from the Circumstance of the time (what does *Giles* say?) Says he, *Dam him, Rot him*, Mr. *Arnold*, said he, *had Armour on*: And, this Gentlemen, could not be known by him at that time, if he had not been a party in this base Attempt. And there is a Circumstance that goes yet beyond this, which I would have you observe, that when Mr. *Arnold* was Assassinated, when they made their Attempt, in the  
very



very Act were these words used, *Dam him, Rot him, he has Armour on.* These very words were spoken then, and upon that they fell to Cut his Throat. We have this Circumstance more; he had broken his Sword, and went to a Cutler, one *Darcy* by name; this man was a Papist, and says he, *Where hast thou been Giles, a fighting with the Devil? No, it was with damn'd Arnold.* This we will prove to you: These are Evidences that are positive.

Some other Witnesses we have, that will be very material to prove to you what sort of Man the Defendant is. That he has declared there is no Plot; that those that believe it, are Rogues; and if ever any of the Lords in the *Tower* should Suffer, this Nation should feel a Bloodier War than ever it had done; by which you may see his Bloody Nature. Gentlemen, besides this we shall prove (according to their Custom of Shamming) that he has from time to time pretended as if *Mr. Arnold* had done this business himself, or some of his Friends, to revive the Plot. A very fine contrivance indeed! for a Person to Stabb himself and Cut his own Throat, to revive the Plot. These things we will make out clearly to you: And I must tell you it is a Notorious Crime, such a Fact as has no Precedent: There's no remembrance in History, that I know of, of such barbarous Attempts, except in the case of *Sir Edmundbury Godfrey*, who was most barbarously Murther'd by this sort of Men. And this case, Gentlemen, differs from that only in this, that there they accomplish'd their Villany upon him; but the Providence of God saved *Mr. Arnold's* Life, and I hope to as good purpose: For as Providence ordered that to confirm the truth of the Popish Plot; so this Assassination of *Mr. Arnold* must convince all mankind (not concerned in the Plot it self) that this damn'd Popish Plot still continues, and that 'tis high time for all honest men, as much as in them lies, to endeavour to suppress it. You, Gentlemen, will do your duty in finding this man Guilty (if the Evidence we give satisfies your Consciences that he is so, else  
God

God forbid) and then I doubt not but the Court will do their duty, in putting such an exemplary punishment upon this Villain, that may deter the like Barbarous and Bloody Attempts for the future.

**Mr. Arnold Sworn.**

Mr. Thomson. Pray Mr. Arnold give an Account of this business.

Mr. Arnold. My Lord, I was ordered by the King and Council to attend upon them the next day after this Villany befall me. I was upon the 15th day of April in my Chamber in the Afternoon, and my Lord Shandois, and several other Persons came to my Chamber, and one Evans, one of the Messengers, belonging to the Council, came to give me Notice that my Hearing (which I was informed was to be at Four in the Afternoon) was ordered to be at Ten in the Morning, which was the reason I sent my Servants out to give Notice of this Alteration to my Witnesses and Council. And though I had resolved not to stir out that Night, I went out with the Company to the Devil Tavern, where we were and staid till about Ten, or past; and just as we were breaking up, I recollected that I had some business with Mr. Phillips, who is a Councillor at Law, and lives near the end of Bell-Yard. I desired the Company to stay, and I would come to them in a Moment. I went to the Room where several Servants were, and called to some of them to go with me; for several of my Friends and Neighbours being in Town, I very often took their Servants with me, when mine were busy, or out of the way. As I went cross Fleet-street I did see two Men in Campaign-Cloaks follow me, and I thought them to be Servants belonging to some of my Company, who had followed me on my calling, and as I came into Bell-Yard, one of them went faster than I went, and got before me, and turned and looked earnestly in my Face, and I went by him, when a Woman stand-

ing

ing in a door about the middle of *Bell-Yard* with a Candle in her hand, I looked in his Face, and that Person was the Prisoner at the Bar; and when his Companion or Companions came up to him, I heard them laugh aloud; I took no notice but went on, and went as far as to that House.

*Recorder.* You knew him before, Mr. *Arnold*?

*Mr. Arnold.* I did not know him so well before as to know his Face. At the Kennel at the end of *Jackanapes-lane*, I looking down to find the Kennel, a Cloak was thrown over my Head, then I found very rough hands upon my Shoulders, and they ran me into *Jackanapes-lane* just cross the lane, against the opposite Wall, and they run my head so hard I think they broke it; I drew my Sword before, but before I could use it I was struck, and immediately upon that, one of them struck me; then I apprehended what it was, but could not turn to make any defence. I received a Second blow and fell, and the first thing I was sensible of was a very sharp quick Thrust in my Side, and the point at that Thrust ran into my Belly: Then I recovering began to make what defence I could. With a broad Sword I was run through my Arms, and with a small Weapon I was run through in another place of my Arm. I had several other Wounds; one of them set his foot hard upon my Breast, and kept me down, and he was, as I conceive, run into the Leg, by one of his Companions; for I heard him say, *Damme Thou hast spoil'd my Leg.* They laughed all the while and were exceeding merry. I had then on a pair of Bodice of Whale-Bone, notwithstanding which I had Four or Five Wounds in my Body through them, for they were not Proof; but they imagin'd they were, finding their Swords double sometimes; and then said one of them, *Damme he has Armour on, Cut his Throat.* Immediately one kneeled down, and gave me several Cuts in the lower part of my Face, and I did what I could to defend my self, but they have given me some indellible Marks, Characters that will never be

E oblite-



obliterated while I live, and I am afraid I shall never be my self again by reason of the Bruises in my Head and Breast. By a Candle in a Window, I conceive in Sir *Timothy Baldwin's* House, and some Women in his Yard, gave them the first disturbance, and a Boy coming by with a Link the same time, I both saw the Face of the Prisoner at the Bar again, and remembered I saw him in the Lane just before. They then pulled the Cloak from off me, and I seeing the Light, and being eased of the Weight, I strayn'd all my strength and cryed out, and then some Company came in, who are here to prove it; but seeing me all Blood and Dirt, they stood gazing on me a time, but at last took me up, and carried me into the *Sugar-Loaf*, and from thence I was carried to my Lodging, where all the Company I left came to me, and a Chirurgeon was sent for, who is also here to prove his knowledge of the Condition he found me in. And when they went away, they did not steal away as other Malefactors use to do, but clapt their Swords close to their Bodies and went away laughing aloud. But as they were going, one of them said these words, *Now you Dog pray for, or pray again for the Soul of Captain Evans*, Captain *Evans* was a Jesuite, and was Executed at *Cardiffe* for being a Priest; and I have been informed by several Persons of good Quality, that when the under Sheriff came to give him Notice, that he had a Warrant for his speedy Execution, the said *Evans* being in a Game at Tennis, said *God Damme I will play out my Sett first*.

*Recorder.* Mr. *Arnold* I would know one thing, will you undertake to Swear positively that this Person was one of the Persons who slept before you? Will you take it upon your Oath, That that Person, the Prisoner at the Bar, went before you?

Mr. *Arnold.* I will take it upon my Oath as far as a Man can do, for one Man, 'tis possible, may be like another both by his Voice and his Face; I can Swear I believe he is the man.

Mr. *Thompson.* You are Satisfied upon the first Sight that



that you had of him in the Countrey, that he was the Man.

Mr. *Arnold*. Yes Sir, and he can tell you that by a very good token, for I had like to have run him through.

Recorder. We must not expect that there can be exact and positive Proof, for men that commit Offences of this Impudent Nature, don't usually call Witnesses to be present to see them done; therefore we would come as near as we can to Circumstances, whereby a Fact of such a Nature is to be proved. Mr. *Arnold*, Do you believe that that Prisoner at the Bar was one of the Persons that went before you in *Bell-Yard*.

Mr. *Arnold*. Upon my Conscience I do believe he was the Man.

Recorder. What a Clock was it?

Mr. *Arnold*. About Eleven a Clock, or between Ten and Eleven.

Recorder. When the Link came there, was there Three, and do you believe by the Light you had by the Link that that was one of the Persons that was there.

Mr. *Arnold*. I saw his Face and Habit, and believe he was.

Recorder. What Habit had he on?

Mr. *Arnold*. He had a Grey Cloak, a Campaign Cloak, and a Coat, I think Lin'd with Red. It is impossible to give an Account of every particular under those Circumstances I was in.

Recorder. It is not to be expected that a man under your Circumstances, should be extraordinary precise in Circumstances; therefore it is I asked you, that according to the best of your Apprehension, you might acquaint the Court with those Circumstances that may be remembered by the Jury; that they may see there be no Injury done to the Prisoner at the Bar; but that Right be done on both sides; and that in every Circumstance.

Mr. *Holt*. Now Sir we will call Mr. *Phillips*, with whom he had this Discourse the next day.

Re-

*Recorder.* Will the Prisoner ask him any Questions?

*Prisoner.* Truly Mr. *Arnold* knew me in *Monmouthshire*, and knew me as well as any man in the City.

*Recorder.* Did you not very well know him?

*Mr. Arnold.* It is very possible I might see him, and often at Assizes and Sessions, but not to know him, nor did ever know whether his Name were *Giles*, or what it was. Your Lordship sees many Persons here and often, and it's possible do not know them; he lives I think a Dozen Miles from me.

*Prisoner.* That's a wonder; If it please you, Sir, my Wife is a near Relation to you, both by Father and Mother, and I have spoken with you in your Chamber.

*Mr. Arnold.* 'Tis possible she may, but I do not know it.

### *Stephen Phillips.*

*Mr. Holt.* Pray Mr. *Phillips* give an Account of what Discourse you had with *Giles* the day after the business was done.

*Mr. Phillips.* We went to the Tavern, and drank Two or Three Bottles of Wine, and we had some Discourse concerning Mr. *Arnold*; it was about Eight or Nine a Clock in the Evening the next day. Some Discourse happen'd concerning his miserable Condition, and how he was hurt; and of that Nature.

*Recorder.* How many was there in Company?

*Mr. Phillips.* One or Two more.

*Recorder.* What House?

*Mr. Phillips.* At the *Crown Tavern* in *New-street* in *Covent Garden*, and among the rest Mr. *Giles* was talking of it, and said he, *God Dam him, God Rot him, he had Armour on*, the word was, *God Dam him*, or, *God Rot him*, *he had Armour on*; they say.

*Mr. Holt.* What time of Night was that?

*Mr. Phillips.* As near as I can remember, it was about Eight or Nine the next day in the Evening.

*Mr. Thompson.* The very words that Mr. *Arnold* Swears when they went to Cut his Throat. *Priso-*

*Prisoner.* My Lord, If you please, there was Mr. *Phillips* and another, and I spake nothing but what I heard as News, that they had killed him if he had not on Armour.

*Recorder.* For that matter Mr. *Giles*, you shall have your time, and you may call up other Witnesses, but the Gentleman positively Swears you said these words; and if so, I'll assure you, it does not look as if you were a Kin to him, or your Wife either.

*Walter Watkins.*

*Mr. Holt.* Mr. *Watkins*, What did you hear that *Giles* should say in *Glocester-shire* about this Business?

*Mr. Thompson.* What said he about this business of Mr. *Arnold*?

*Mr. Watkins.* My Lord, All I can say is this, I being at the Stating some Accounts between Mr. *John Giles* and Mr. *Richmond*: I asked Mr. *Giles* for some Horse-hair to make a Fishing-line. Mr. *Giles* replied, That he had left very good Hair for me at a Farriers in *Glocester*, for he and Mr. *Herbet Jones* made such haste through the Town of *Glocester* that they did not call for the Horse-hair. I asked Mr. *Giles* what was the occasion of his haste? Said he, For fear we should be stopp'd in our Journey, as suspected to be concerned in Mr. *Arnold's* Business.

*Recorder.* What time was that?

*Mr. Watkins.* About the 5th of May.

*George Richmond.*

*Mr. Holt*, Mr. *Richmond*, What can you say concerning this thing?

*Mr. Richmond.* I desired Mr. *Giles* to meet me, that we might even our Accounts, and upon the 5th of May last he met me, and I desired Mr. *Watkins* to be present as a Witness.

*Recorder.* Where was it?

F

Mr.



*Mr. Richmond.* At *Uske*, And as we were making up the Account, said *Mr. Watkins* to *Mr. Giles*, Where is the Horse-hair you promised me to make Fishing-lines? *Giles* replied, He left very good Horse-hair at a Farriers in *Glocester*: And he asked him why he left it? He said he made haft for fear of being taken and stopt for *Mr. Arnolds* business. I cannot say whether he call'd him *Esq; Arnold*, or *Mr. Arnold*, or what, he seldom used to give him so good words.

*Walter Powel.*

*Mr. Holt.* What do you know concerning *Giles's* being at the Cutlers?

*Mr. Powel.* If it please you, Sir, I was at the Cutlers. *Recorder.* Name the time when, and the place where.

*Powel.* The 5th of May, at a place called *Uske* in *Monmouthshire*; *Mr. Giles* and I, we came there, and *Mr. Giles* asked *Peter Darcy*, Whether he would mend him that Sword or no? But *Mr. Darcy* had some business that he could not get time to mend it that morning, but would do it in the afternoon. Says *Darcy*, Where have you been, you have been hot at it? What have you been Fighting with the Devil? No, said he, with damn'd *Arnold*.

*Recorder.* What did you say when the Cutler asked him, Whether he had been fighting with the Devil? and he said again no, not with the Devil, but with damn'd *Arnold*?

*Powel.* *Peter Darcy* said he must not speak such words, and *Giles's* Wife pluckt him by the Coat and bid him hold his Tongue.

*Mr. Darnal.* Who was by?

*Powel.* There was one *Peter Darcy*.

*Mr. Darnal.* Was one *John Jones* there?

*Powel.* I think there was another indeed by the Apprentice.

*Recorder.* There was the Apprentice, but he does not know his Name, and *Darcy*, and *Giles*, and his Wife.

*William*

*William Richmond.*

*Mr. Holt.* What did you hear *Giles* say about the Rapier?

*William Richmond.* He asked me in the Afternoon before *Mr. Arnold* was hurt, Where he might buy a very good Rapier? I told him I could not tell, He had then a good Back-Sword in the House.

*Mr. Gibbs.* Tell the Court what Acquaintance *Giles* had with Father *Lewis* the Jesuite since Executed.

*William Richmond.* My Lord he told me he wou'd go to the Executioner and perswade him not to Execute *Mr. Lewis*, but I had the Executioner lockt up, and I would not suffer him; but I did see him very active at the Execution, dipping cloaths in *Lewis* his Blood.

*Mr. Thompson.* What do you say as to his coming to his Lodging?

*Mr. Richmond.* We went to several places that day, and at Eight or Nine, or between Eight and Nine, we came to the *Kings Arms* in *St. Martins-lane*, and I left him at the Kitchen-Fire, and went up into the Chamber, and drank a considerable quantity of drink; and as near as I can guess, it was between Twelve and One a Clock before he came to his Bed: for after I was going to Bed, about One of the Clock, I heard *John Giles* come up the Stairs, and bid me Good-night; he called at my door just as I was pulling off my Breeches to go into Bed.

*Recorder.* What time was this?

*William Richmond.* As near as I can guess it was between Twelve and One; or very near One.

*Recorder.* At what House was it?

*William Richmond.* The *Kings Arms* in *St. Martins-lane*.

*Recorder.* What did you say when the Maid was making the Bed.

*William Richmond.* I asked her who it was for? And she

she said for a Man that was not willing to lie with any Body.

*Recorder.* What time did you come to the House?

*Will. Richmond.* About Nine.

*Record.* Did you stay in that House till that time?

*Will. Richmond.* I lay in the House Sir.

*Record.* You were not out of the House all the while?

*Will. Richmond.* No Sir, I was not out of it.

*Record.* And you are sure that you did not see him again till he came to your door going to Bed?

*Will. Richmond.* Yes Sir.

*Record.* What time was that?

*Will. Richmond.* Nigh One.

*Mr. Thompson.* You see the Contradiction between this, and what this Fellow says upon his Examination, where he says he was a-bed at Nine a Clock.

*Record.* Where did you go at that time?

*Will. Richmond.* We went to *Long-lane* to one *Philpots*, and she told us her Husband was gone to Exercise at the next Church; I do not know the Church's Name, and there we went and looked upon the Souldiers, but did not see him. We came back to his House again; and the Gentlewoman gave us a Tankard of Beer, or Ale. And after that we went back, and we had a mind to make sport with a Country Fellow we had with us, and went into *Whetstones Park*, from thence we went to the *Helmet* in *Drury-lane*.

*Record.* You went to *Whetstones-Park*, and what did you spend there?

*Will. Richmond.* Six Pence and he paid it.

*Record.* Whether did you go from thence?

*Will. Richmond.* Into *Drury-lane*.

*Record.* How long did you stay in *Drury-lane*?

*Will. Richmond.* It was not long Sir, about an hour.

*Record.* Where after that?

*Will. Richmond.* From thence to the *Peacock* and staid till Eight or Nine.

*Record.* Who did you meet withall between your going



going from the *Helmet* in *Drury-lane* to the *Peacock*?

*Will. Richmond*, We met with one *Powel* and another, and one *Elizabeth Edwards*.

*Record*, What did you drink there?

*Will. Richmond*, We did drink both Ale and Brandy.

*Record*, Well said, how long did you stay there?

*Will. Richmond*, We staid there a pretty while, an hour or more, or two hours.

*Record*, What time of Night was it that you went from thence?

*Will. Richmond*, About Eight or Nine.

*Record*, And then you went to your Lodgings?

*Will. Richmond*, Yes.

*Record*, Did you Drink at the *Kings Arms*?

*Will. Richmond*, No; we drank not all together.

*Record*, And there you stay'd till Twelve or One a Clock?

*Will. Richmond*, Yes.

*Record*, But can you remember, as near as you can guess what time was it you saw this Maid making of the Bed?

*Will. Richmond*, I cannot say positively, but I judge it was about Twelve a Clock.

*Mr. Thompson*, As to that Circumstance of his coming home at Twelve at Night, desire *Mr. Arnold* to give an Account of his Examination, what time of Night he came to his Lodging.

*Mr. Holt*, Do you believe that is *John Giles's* hand?

*Record*, That is a Copy.

*Mr. Arnold*, He did confes before a Justice of the Peace that he was at his Lodging at Ten a Clock; This I heard him say, and I believe he won't deny it; and I heard him own this Examination; my Man will prove it.

*Prisoner*, Deny it? Yes I will deny it, there was no such word said: I did say, *Mr. Arnold*, I went to Bed then.

*Att. Gen.* The Jury must take notice of this, That upon his Examination, he says, he came home by

G

Nine,

Nine; which is before the thing was done: but by proof he did not come in till Twelve, which was after the thing was done.

Mr. *Holt*, We will give you now Gentlemen an Account of this Mans Principles.

*Record*. This is the business, *Richmond* says, They came together to their Lodging before Night, but he left him at the Kitchen Fire, and went into another Room to drink with some company; and this Mr. *Richmond* says his Bed was not made till Twelve a Clock, and that he himself went to Bed about One of the Clock, and that he heard the Prisoner at the Bar while he was pulling off his Breeches, call to him, and therefore he took notice of that as a Circumstance; that he does particularly remember he did not go to Bed till that time; and he says he did not stir from that place after Nine a Clock.

Mr. *Thompson*, There is a Contradiction in that.

*Record*. There is no Contradiction: The other Witness says that he came along with him at Nine a Clock.

Mr. *Thompson*, I will tell you where this is a Contradiction.

*Att. General*, He says he came to the House at Nine a Clock, but he came not to Bed till after One.

*Record*. The Evidence does not go so far: *Richmond* says they came to the *Kings-Arms*, and left him in the Kitchen at Nine a Clock, and he went into his Chamber and staid up till One, and all that time he did not come to Bed.

Mr. *Thompson*, So far it lies upon him to give an Account where he was between Nine and Twelve.

### *Bridges.*

Mr. *Holt*, Hearn you Sir, have you had any Discourse with *Giles* concerning the Plot, and concerning the Lords in the Tower? And what did he say to you?

Mr.

Mr. *Bridges*, I had some Discourse with him concerning the Papists, he said that it was the best Religion, and that those that were not of that Religion should be Damn'd: I alledged against him, and told him the contrary: I thought not. Can it be such a Religion said I, that will Act such things against the King and the Government? Says he, If any says there is such a Plot against the King or the Government, he is a Rogue, and a Thief.

Mr. *Holt*, What did he say of the Lords in the Tower?

*Bridges*, Nothing more.

*Giles*, How long ago was this?

*Record*. When was this?

*Bridges*, This was, my Lord, about a Twelve Month ago.

Mr. *Thompson*, Did he speak any thing to you further concerning the Plot?

*Bridges*, Not further.

*Giles*, My Lord, I beseech you I may speak to this man, Do you hear, Sir, Were not these the words that I said when you charged me to be a Papist, That I knew of no Popish Plot, and they that said I was a Papist, or knew any of the Plot, were Rogues or Whores, or worse.

*Bridges*, You said thus, That the Papists were the best Religion, and that those that were not of that Religion were Damn'd.

*Giles*, Have not you been a Papist Sir?

*Bridges*, I am not now.

*Giles*, Will you say that I am a Papist?

*Bridges*, I say you defended it so much I thought you were. Said I, I wonder it being such a good Religion, that they would offer to Act such a thing against the King and Government. Said he, He that says this Plot is Acted by the Papists, is a Rogue and a Thief.

*Giles*, How long ago is this?

*Bridges*, A Twelve Month ago; you remember it well enough; you remember when you sent for me to the George.

*Walter*



*Walter Moor.*

*Mr. Holt,* What discourse have you had with him concerning the Plot.

*Mr. Thompson,* What has he said about it?

*Moor,* He said, If the Lords in the Tower were Executed, there would be a greater War than ever was in *England*; and swore that if these Lords were put to death, it would cost more Blood then ever was spilt. And I asked him again, Why they should not be put to death if they should deserve it? For if a poor Man had done such a Fault, he would be hanged out of the way presently. He said again, They did not deserve it, for there was no Plot at all.

*Giles,* Pray Sir, Who was with you when you say I said these words?

*Moor,* I was at *George Taylers* House.

*Giles,* Did not you say that *George Tayler* discoursed this with you?

*Mr. Thompson,* Is this the man that spake it, upon your Oath?

*Moor,* Yes this was the man.

*Giles,* What did *Tayler* say to you? Do you think my Lord, I would say such a thing to such a man as this is?

*Recorder,* Do you hear *Mr. Giles*, for that matter it is not the question, the man has sworn it, except the Jury know of their own knowledge that the man is perjured, he is not so as to me.

*Moor,* It is the first time that I ever took an Oath.

*Mr. Reynold.*

*Mr. Holt,* *Mr. Reynold,* What have you heard *Giles* say concerning *Mr. Arnold*?

*Reynold,* Sir I was in Company with *John Giles* and another, and we had discourse concerning one *Arnold*, and *John Giles* said —

*Record.*

*Recorder*, What was that?

*Reynold*, I being in company with him, we fell in Discourse about Justice *Arnold*; how he was Wounded.

*Record*. Where was it?

*Reyn*. In Monmouthshire, at Langoone, the second day of May: *John Giles* answered us, That he could not see but he wounded himself.

*Recorder*, What day do you say?

*Reynold* The Second day of May.

*Recorder*. He did Discourse the 5th day of May at Uske, I would fain know when he came through Gloucester.

*Mr. Thompson*, What did he say about *Mr. Arnold*?

*Reynold*, He thought that he wounded himself, says his Wife, How could he wound himself in his Arms? Said he, It was himself or some of his Friends.

*Recorder*. Or some of his Relations.

*Reynold*. Some of his Friends.

*Mr. Hobbs*.

*Mr. Thompson*, *Mr. Hobbs*, Pray tell how you found *Mr. Arnold* when he was Wounded.

*Mr. Hobbs*, I found *Mr. Arnold* Bleeding.

*Mr. Thompson*, Tell what Wounds there were.

*Mr. Hobbs*, Two in his Arm, Two others upon the Face, another upon the Throat, which bled very much; another two upon the Breast, and one in the Belly.

*Mr. Thompson*, What depth might that be?

*Mr. Hobbs*, Two Inches and an half long.

*Mr. Thompson*, Where else?

*Mr. Hobbs*, There was another upon his Breast.

*Mr. Thompson*, What depth?

*Mr. Hobbs*, They were not very deep, but there was one upon the Belly Six Inches and an half; there was Two through his Arm, and a Wound and several Bruises in his Head.

H

Mr.

Mr. *Thompson*, This is likely to be a fine Contrivance, that he should do it himself, as likely as that Sir *Edmundbury Godfrey* put his own Sword through his Body after his Neck was broke. A great shout given.

L. *Mayor* Do you believe a man could wound himself so?

Mr. *Hobbs*, No Sir.

*Record*. I believe a man could do it, but I believe a man would not do it to himself.

Fifteen or Sixteen Witnesses more for the King, that were attending in the Court were not Examined, the Court being in some haste, and the King's Council not pressing to have them Examined, there being so full Evidence: nor was there one word replied to the Prisoners Witnesses, they being all either frivolous or contradictory.

Mr. *Darnal*, May it please your Lordship, and you Gentlemen of the Jury, I am of Council for *Giles* the Prisoner at the Bar, and I must needs say there has been a strong Evidence given against him, and if I were sure he was concerned in this Barbarous Attempt upon Mr. *Arnold*, I would not open my Mouth in this Cause: But if my Brief be true, I make no question but to satisfy your Lordship and the Jury, nay and Mr. *Arnold* himself, that he had no hand in this Bloody Action.

And First, my Lord, In Answer to the Evidence that hath been given, There have been Sworn among others, Mr. *Richmond*, Mr. *Phillips*, and one *Powel*. First as to *Phillips's* Evidence, of what passed in Discourse at the *Crown Tavern* in *Covent Garden*; we have a Witness here who was present at the same time, that will give you an Account of the whole Discourse, and that there were no such words said by *Giles* in Relation to Mr. *Arnold*, As *Dam him be had Armour on*; and as to the Evidence given by *Watkins*, of what past at *Uske*, about Mr. *Herbert Jones's* and the Prisoners making such speed through *Glocester*, we have Witnesses here my Lord, that will satisfy your Lordship and the Jury, that when they



they came to *Glocester*, though it was at the time of the General Quarter Sessions, yet they staid there four or five hours, at a Publique House without the least sign of their Apprehension of any Pursuit; which shews the Improbability of any such Discourse at *Uske*: And my Lord, as to the Evidence of *Powel* of what was said in *Darcies* the Cutlers Shop at *Uske*; we have my Lord a Witness here that was present at that time, who will give your Lordship and the Jury an Account, that the words said then by the Prisoner, did much differ from what *Mr. Powel* swears; besides the Improbability that any man should be so weak to publish himself guilty of such a Crime as this in this manner; after his Majesties Proclamation out, with the promise of so great a Reward to any Man that would make a Discovery of this horrid Action: So far my Lord we shall answer the Evidence that hath been given, but to satisfy your Lordship and the Jury, that it was impossible the Prisoner at the Bar could be concern'd in this foul Action, we shall prove to your Lordship, That upon the 15th of *April*, upon the Evening of which day this Bloody Attempt was made upon *Mr. Arnold*, the Prisoner at Bar came first to Town; and we shall prove that he came to Town but at One a clock that day. We shall prove further, if my Brief be true, by five or six substantial Witnesses, against whom there can be no Exception, how and where he imployed himself all that day, from the Minute that he came to Town: And that when he returned to his Inn, about Nine a Clock at Night, the Maid of the Inn Lockt his Chamber door after he was a Bed, and kept the Key of the Chamber all Night. And my Lord, if all this be clearly proved, I make no doubt but your Lordship and the Jury and all Persons here, will be satisfied that the Prisoner at the Bar is not guilty of this Indictment. My Lord we will first begin with *Mr. Philpot*.

Mr.

Mr. Philpot.

Mr. Darnal, Mr. Philpot, Pray do you Acquaint my Lord and the Jury, what Discourse past between you and Giles at the Crown Tavern in Covent Garden.

Mr. Philpot, We drank one Bottle of Claret, Mr. Phillips came in when the Bottle was almost ended. But by and by some Friends came in, and they asked him, What News, Sir? Said he, I hear of no News but a cruel Assassination upon Mr. Arnold, but for my part I am sorry for it: But, said he, if any thing should be upon Mr. Arnold, it is a very strange thing.

Mr. Darnal, Were you there all the time Sir?

Mr. Phil. Yes Sir, all the time.

Mr. Darnal, And you heard no other Discourse?

Mr. Phil. No he did not say Dam him, nor Sink him, for I hate such Company.

Mr. Holt, Mr. John Philpot where do you live?

Mr. Philpot, In Long-lane.

Mr. Holt, What Sign do you live at?

Mr. Philpot, At the Crown.

Mr. Holt, What Trade are you?

Mr. Phil. A Salesman.

Mr. Darnal, Now we will go on to the Discourse at Uske, about their passing with such speed through Gloucester.

Record. Mr. Darnal, They do not pretend you were in great fear, but they say you said so. It is not the Question, Whether you did stay long at Gloucester or no? But the Question is, Whether you told this man so? Because the man asked you, Why you would leave the Hair at the Farriers in order to a Fishing-line? Truly I was in great haste, for fear I should be taken up about the business of Mr. Arnold.

Mr. Darnal, It is very true, and therefore we bring this Evidence to shew the Improbability that we should

should say any such thing, when it was false, and especially when it was to Accuse our selves of a Crime +

*Herbert Jones Mayor of Monmouth.*

Mr. Darnal, Mr. Jones, Pray give an Account to the Jury of your passing through *Glocester*, and how long you staid there.

Mr. Jones, My Lord, I came with the Prisoner.

Record. What day did you come through *Glocester*?

Mr. Jones, I cannot positively tell you the day, we went out of Town upon Friday, we came to *Glocester*, either Wednesday or Friday, and there we went to the *Old-Bear* in *Glocester*, and there staid an hour before we went to Dinner, it was a publick time, the Quarterly Sessions, and several People came to us to hear the News, we told them, and were as sorry for it as any Persons could be, and did confess it a very ill thing. We went from the *Old-Bear* after we had Din'd to the *New-Bear*, and drank several Pints of Cyder. I believe by the Oath I have taken, we were several hours in the Town.

Mr. Milbourn, Do you know Mr. Arnold is acquainted with Mr. Giles?

Mr. Jones, I do believe Mr. Arnold has great reason to be acquainted with Giles.

Mr. Thompson, Yes now he has.

Mr. Mil. Was he chief Constable?

Mr. Jones, Yes he was, and certainly Mr. Arnold in Reason would take notice of the Chief Constable.

Mr. Mil. Mr. Herbert Jones, I am informed that you know this Gentleman goes to Church, and receives the Sacrament. Give an account what Religion he is of.

Mr. Jones, Always a Protestant, I saw him at Church within this half year.

Giles, I can shew a Certificate of my going to Church, since I came to Town.



*Record.* There are many people that can go to Church to serve their turn.

*Giles,* And my Lord I have taken the Oaths of Allegiance and Supremacy.

*Mr. Thompson,* An excellent Protestant to Discourse so of the Plot, I must needs say that.

*John Jones* the Cutlers Apprentice.

*Record.* How old are you?

*Jones,* Between 15, and 16.

*Record.* Hark you, do you know the danger of forswearing your self?

*Jones,* Yes Sir.

*Record.* What is it?

*Jones,* I am in danger of Everlasting Fire.

*Record.* Very well.

*Mr. Darnal.* My Lord this is the Apprentice to the Cutler, in whose Shop *Powel* says we had such Discourse: *Jones* pray tell my Lord, and the Jury whether you were by, when one *Walter Powel* came into your Masters Shop, when he and *Giles* were talking about *Giles* his Sword?

*Jones,* Sir, *John Giles*, came in the morning, and brought a Sword, my Master was not within, and he told me, give this Sword to your Master to be mended; so I took the Sword, and laid it up till my Master came in; when he came in, I told my Master of it, and when he came again this *Walter Powel* was in the Shop, said *Giles* to my Master, Did you mend my Sword? says he; says my Master, Mr. *Giles*, How came your Sword broke? Have you been fighting with the Devil? No, says he, for he never met with *Arnold*.

*Peo.* Hiss 'm Hiss.

*Record.* It does not become the Decency and Gravity of a Court of Justice, to be humming and hissing, when Facts are Trying of this great Concernment.

Mr.

Mr. Mil. It was the common discourse there, That Mr. Arnold had been Assaulted.

Record. You have been in a great Combat; have you been fighting with the Devil? What did he say to that?

Jones, He never met with Arnold, my Master asked him, Mr. Giles, Have you been in some Battle or other? Have you been fighting with the Devil? No, Sir, for I never met with Arnold.

Record. You did not hear his Wife bid him hold his Tongue.

Jones, No Sir.

Mr. Thom. Did he tell you how he did break his Sword?

Jones, No Sir.

Giles, My Lord, here is Mr. Philpott can tell, that I was sitting down in a Chair, and broke off a piece of the Guard.

Mr. Thom. You will do well to prove it Sir.

Mr. Mil. Was there any Discourse in the Countrey about Mr. Arnold?

Record. Did they not talk any thing about Killing the Devil?

Jones, No Sir.

Mr. Darn. If your Lordship pleases we will call Witnesses to give an Account when we came to Town, and where we were all that day; and we will call the Maid that Lockt the Chamber door after we were in bed, on the same Night when this Fact was committed.

*John Howel.*

Mr. Darn. John Howel, Pray tell my Lord and the Jury when Giles came to Town?

Howel, If it please you my Lord, I came to Town and John Giles together.

Record. What time of day was it?

Howel, It was Twelve a Clock.

*Recorder,*

*Record.* Who is thy Master?

*Howel,* William Richmond.

*Mr. Darn.* What time of Night was it Friend, when you heard him call to your Master, and bid him good Night.

*Howel,* About 11, or 12 a Clock.

*Mr. Mil.* You say about Nine, you were at your Lodging with him, did your party company with him?

*How.* Yes Sir, we did.

*Mr. Thom.* Where did you go at that time?

*Howel,* We went into the Chamber, and drank Two Pints of Brandy.

*Mr. Thom.* What time of Night was that?

*Record.* After Two Pints of Brandy, I wonder how he can remember any thing.

*Ann Beron.*

*Mr. Mil.* Tell what time of the Night Giles came in, where you were in his company; what time of Night it was?

*Record.* Speak as loud as thou would'st do if thou wer't at home: When was this?

*Ann.* The Thursday after Easter.

*Record.* The Thursday in Easter Week, or the Thursday in the next Week?

*Ann.* The Thursday in Easter Week; we were never out of Company; when he came home to his Lodging I believe it was near Ten a Clock.

*Record.* Where was your Lodging at the Kings Arms?

*Ann.* At the Kings Arms.

*Record.* Good Woman, did you go with him to Whetstones Park?

*Ann.* No not I.

*Record.* Were you with him at the Artillery Ground?

*Ann.* No not I.

*Record.* Were you with him in Drury-lane?

*Ann.* No not I.

*Record.*



*Record.* He did not go out of your Company at all?

*Ann.* Yes about Ten a Clock.

*Record.* Woman you must be mistaken, he came to Town at Twelve or One, and might be in thy company, but it is plain he went to a Brokers in *Long-lane*, and so to the *Artillery-Ground* at *Cripple-Gate*, for I guess it might be so: Then they went to *Whetstones-Park*, and spent Six-Pence, and after that they went into *Drury-lane*.

*Giles.* My Lord, she don't say she was with us all the while, but we came to an House where she was, and several other People our Neighbours.

*Record.* She says you did go out some time: Now see whether I mistake you.

*Ann.* Yes you do mistake me.

*Record.* He went out, did he?

*Ann.* Yes he went out after we came into the City, he and some others, and then they came back to me again in two or three hours.

*Record.* Then you were two or three hours at Dinner. Now I ask you, After they came back, was you with him all the while?

*Ann.* Yes that I was.

*Record.* Where was it?

*Ann.* At the *Peacock*.

*Record.* That is the place in *Drury-lane*.

*Ann.* No, indeed, it is in *Covent Garden*.

*Mr. Darnal.* When did he go to Bed, do you know that upon your Oath?

*Ann.* We were in the Inn between Nine and Ten a Clock, nearer Ten then Nine, and I saw him sitting taking a Pipe of Tobacco.

*Mr. Darnal.* What time was that?

*Ann.* A little after Ten I believe.

*Mr. Thomp.* He sat there till he was call'd away to do his business.

*Elizabeth Crook.*

*Mr. Darnal, Elizabeth Crook,* Pray do you tell my Lord and the Jury about what time *Giles* went to Bed?

*Crook,* Indeed Sir, he went to Bed between Ten and Eleven.

*Mr. Darnal,* How long was it that he came to his Lodging before that? Can you say how long he was in the House before he went to Bed?

*Crook,* I asked him if I should take away his Candle, he said he would put his Candle out, but I might Lock him in, and take the Key; but I did not do it.

*Mr. Thomps.* Did he go to Bed as soon as he came in?

*Crook,* No, I think he did not.

*Record.* You made the Bed, did not you?

*Crook,* I did.

*Recorder,* Upon your Oath, what time of Night was it?

*Crook,* I think it was nearer Eleven than Ten.

*Record.* Did you make the Bed after he went in to it? What time did you make the Bed upon your Oath?

*Crook,* I made the Bed about Ten a Clock.

*Record.* I ask you, do you remember *Richmond* came into you and asked you any thing about making the Bed? Do you remember he was in the Chamber?

*Crook,* In whose Chamber?

*Record.* Did *Richmond* come in when you were making the Bed?

*Crook,* He was not there that I knew of.

*Rich.* Was not I in the Chamber when you made the Bed?

*Crook,* No, I don't remember you.

*Rich.* My Lord, when this Maid went to make the Bed, I went into the Room after her, and had some discourse with her, we lean'd together upon the Window,

dow, and I told her I was in Love with her, I told her, if she liked of it, I would Marry her the next Morning: I did it to make merry, for indeed I am a Married Man.

*Record.* What time a Night was it?

*Rich.* About Twelve a Clock.

*Record.* If you forget your other Sweet-Hearts, can you remember this? Do you remember now he was there?

*Crook,* I remember he was there.

*Giles,* Mr. *Arnold*, Pray do not laugh at my Wit-nesses and make May-Games at them, it is not the part of a Gentleman.

*Rich.* And she told me that he would lie by himself though the house was very full.

*Record.* Do you remember any such Discourse?

*Crook,* I do remember that Mr. *Richmond* did come in.

*Kings Coun.* What time of Night was it that he was making love to you?

*Crook,* I think about Ten a Clock.

*Kings Coun.* Time passed merrily away with you then.

*Rich.* It was Twelve a Clock.

*Crook,* Why do you say so? Our house was all quiet presently after Eleven.

*Rich.* Why will you say so? Were not we Singing and Roaring together?

*Record.* Come don't be angry, you were not angry when you were making love together?

*Rich.* I am not angry indeed Sir.

*Edward James.*

*Mr. Mil.* Tell my Lord what time of Night *Giles* came into his Lodging, and where it was?

*James,* It was in *Easter Week* he came in, and so were drinking at the *Kings Arms*, in *St. Martins-lane*, and from Dinner, and from Nine a Clock.

*Record:*



*Record.* How? You did not dine there, you din'd at the *Peacock*.

*James.* Yes we din'd there, but from Nine a Clock, we were there till Twelve.

*Record.* How do you know?

*James.* I was there with him.

*Record.* After Twelve a Clock you say you left him?

*James.* Yes.

*Record.* Where did you leave him.

*James.* In the Kitchin.

*Record.* Are you sure?

*James.* Yes my Lord, I am sure of it.

*Record.* I ask you, because I have an unhappy Memory, you are sure it was Twelve a Clock when you saw him in the Kitchin, and here is a Maid saw him go to Bed at Eleven.

*Record.* Have you any more? You know the matter that was the occasion of the dispute t'other day I would not by any means, that in a Cause of this publick Concern, there should be any pretence for any to say they were surprized; therefore call as many Witnesses as you please.

*Robin Gibbon.*

*Mr. Mil.* What can you say when *Mr. Giles* came into his Lodging?

*Gib.* It was about Ten a Clock. I gave his Horse half a Peck of Oats.

*Mr. Mil.* Where?

*Gib.* At the *Kings Arms* in *Martins-lane*.

*Mr. Mil.* Do you know how long he staid before he went to Bed?

*Gib.* No Sir, I cannot tell.

*Mr. Thom.* He speaks honestly, this Man.

*Record.* Have you any more?

*Giles.* There is another, a Translator, my Council knows his Name.

*John Chadwick.*

*Record.* What is your Name Sir?

*Chad.* John Chadwick.

*Record.* Go on.

*Chad.* I say this John Giles was at my House between Eight and Nine a Clock.

*Record.* Where is your House?

*Chad.* My House is—

*Record.* Can you say any more to it?

*Chad.* No.

*Elizabeth.*

*Record.* What have you to say ?

*Eliz.* Sir I went with Mr. Giles home, and it was between Nine and Ten a Clock, and I saw him in his Lodging, and I saw him in the Morning.

*Elizabeth Crook.*

*Record.* Are you sure he went to Bed when you made it ?

*Crook.* It was between Ten and Eleven a Clock.

*Mr. Thom.* You see how they Contradict one another.

*Record.* Is your Name James ?

*James.* Yes Sir.

*Record.* You say you are certain you left him in the Kitchen at Twelve ?

*James.* Yes Sir.

*Record.* But here is one that says he went to Bed by Eleven.

*James.* O Lord no Sir.

*Mr. Holt.* These are your own Witnesses Mr. Giles.

*Mr. Thom.* You see how they contradict one another.

L

Peter

*Peter Powel.*

*Powel*, My Lord , I met some of my Countrey-men about an hour before Night.

*Mr. Thom.* What day?

*Powel*, About Thursday Sir.

*Mr. Thom.* What Week was it in?

*Powel*, I believe in *Easter Week*, and I heard them say that *Mr. Arnold* was come to Town, and *Mr. Herbert* and he was to have an Hearing the next day.

*Record.* How long was you in his Company?

*Powel*, I had been in my Friends company about an hour before he came , and we staid till near Nine or thereabouts, and then we parted, and I never saw him afterwards , till last Munday was Seven-night.

*Roger How.*

*Record.* What say you?

*How.* *Mr. Giles* was in my company , and staid till about Nine a Clock, or thereabouts , and then we went away, and I saw him no more for that Night.

*Record.* Have you any more?

*Giles*, No.



*Then Sir* **GEORGE JEFFREYS**  
*the Recorder, gave Directions to the*  
*Jury to this Effect :*

**G**entlemen of the Jury, the Evidence has been very long, and I know you have taken particular care to Write down and take Notice of all the Circumstances that have been offer'd to you in this Case : According to the best of my Memory, I shall refresh yours with such of them as I apprehend to be most material in this Cause ; and if any thing happen to be omitted, others will supply it.

In the first place I am to take Notice, and I think I am bound to do it, in discharge of my own Conscience and of my Duty to the Court, that certainly if the Prisoner at the Bar be guilty of the Offence of which he now stands Indicted; the Punishment that we can inflict upon him, cannot be proportionable to the Offence : For the Offence is too great for any Punishment that the Law can Inflict, for Men are not presumed to be guilty of such Actions as this ; and therefore the Law has not proportioned Punishments to them, because it presumes no man to be guilty of so base and barbarous an Action as this ; and because it never could be presumed that any Man would be guilty of such Offences, therefore the Law has not provided Punishments proportionable to them. But this is not your question, the question before you is, Whether this Man be Guilty or not Guilty ? That there was a Popish Plot, no Man sure doubts at this time aday. Certainly there can be none here under so strange an  
 Infa-

infatuation, as in the least to doubt but that there was a Plot; especially, when so many persons upon full and clear Evidence and Tryals, have been Convicted as Instruments in that Bloody Tragedy. But you are not to make use of these things by way of Evidence against the Prisoner at the Bar: But only in the general to premise some things by way of Introduction to their particular Evidence, and I must plainly tell you (for it is fit it should be mention'd) that if any Villany can come near that Horrid Murder of Sir *Edmundbury Godfrey*, this does; and I am sorry with all my heart, that within the Government of the City of *London*, or so near it, there should be such a barbarous Attempt as this made and concealed so long. It would not be strange to hear of such Villanies committed in other Popish Countries: but for the Honour and Credit of that Religion which I hope we shall maintain with our lives, that is, the Protestant Religion, I say in a Protestant Countrey, where the Protestant Religion is Profest, I never heard of such a barbarous Act committed before this one; because our Principles of our Religion will not allow us to commit such Villanies by any Dispensation whatsoever. Justice and Truth, and Righteousness, are the things that our Religion Teaches us. God Almighty, and our Blessed Saviour Jesus Christ, by whom alone all Mankind must be Saved; have commanded the contrary.

Their Religion may dispense with such Villainous Actions; but this I can say in Vindication of ours, ours cannot do it; nay it would be no Religion if it could.

In the next place, Gentlemen, all Circumstances of Time and Place, of Men and Things, should be taken notice of; for dark Cases must be made appear by Circumstances: For as I hinted before, no body calls Witnesses when they do

do such Facts and Works of darknes, the Works of the Devil, that is the Father of all such Works. I do not mean the Devil, Mr. *Arnold*, but I mean they are the Works of the Devil. *Belzebub* himself, the Prince of Devils, can be only an Instrument and an Agent in Affairs of this Nature.

Another thing that is fit to be taken notice of by you, is this, That by way of Circumstance, whatever has been said one way or another, relating to the Plot, relating to the business of Sir *Edmundbury Godfrey*, is not to be taken notice of, as Evidence against the Prisoner. You shall have a Faithful Account of what has been said by every Witness, both for and against him; for right is to be done. Our Law comes even to a Proverb, we must give the Devil his due; we must give every body right. You know that this business was deferr'd, that the Prisoner at the Bar might be left without all manner of Excuse; for if Innocent, all Mankind would be glad to have him cleared; if Guilty every honest Man would have him convicted. Now this being premised, the Evidences against the Prisoner are several, and I will as far as I can, give you an Account of them. And

First of all, It is not doubted but Mr. *Arnold* has behaved himself like an honest Man, and as every honest Man ought to do for the Interest of his Religion; for there is no Man can do too much, if he does it Legally for the Preservation of his Religion; of that Religion which he is bound to rely upon for the Salvation of his Immortal Soul. Now, says Mr. *Arnold*, in the first place he gives an honest Account of his being one Night, on Thursday Night in *Easter Week*, at the *Devil Tavern*, about Nine or Ten a Clock with some Friends, and he went out between Ten and Eleven a Clock, and his own Servant not being there; he did intend to call some other Servants by. But as it happen'd, he went away without them, and he perceived Two Men in Campaign Cloaks follow him into *Bell-Yard*. He does

M

take



take it upon his Oath, that about the middle of the Lane, there happen'd to be a Candle coming out, and one of these two, that he did so observe to dog him, having a Campaigne Cloak upon him, and likewise a Coat Lin'd with Red, he did observe came before him; and he doth take it upon his Oath, that he does believe the Prisoner at the Bar to be that very Man that so came before him; he does say that he had a perfect sight of him, and he does say that the reason why he should believe him to be the Man, is, that he does remember his Face, and he knew his Voice. He tells you likewise that there were persons cast a Cloak over his head, ran him into *Jackanapes-lane*, fell upon him, bruised his Head, and Wounded him in several places; particularly he mentions that there was at the same time, said by one of them, *Pray for the Soul of Captain Evans*, and at the same time, which is a wonderful Circumstance, *Dam the Dog he has got Armour on, cut his Throat*. He says that one Man held him tip by the Chin, having several passes made at him, and he says he had something or other to preserve him; but notwithstanding that, he was run into the side, There was three Men he does tell you, and that one overtook him in *Bell-Tard*, and he continues to Swear it was the Prisoner at the Bar, according to the best of his understanding and Conscience; he says it was he, and he discovered him by the sight of a Candle. Besides this, which is a material Circumstance, some other Persons being brought to Mr. *Arnold* about it, Mr. *Arnold* did not Tax them; but did positively Tax that Person to be one of the Persons. But he tells you he suffer'd by passion, as I cannot blame any Man for being in a passion at such a time. But his Witnesses determine the thing, that that is the Man, and he did positively say it, his Memory being better settled then he could at first pretend to; but however, he gives that for another Evidence, that he was not deceived in the Person. This is the substance as I remember, I would not do any Injury to the Prisoner,

Prisoner, by repeating any thing that has not been said; nor would I do any injury to the Evidence for the King, in omitting any thing that occurs to me. The next is one *Phillips*, and he tells you that the next day being Friday, about Six or Seven a Clock at Night, he happen'd to be in company with him at an house in *Covent-Garden*, and having some discourse concerning *Arnold*, and concerning that bloody, base, and foul Attempt that was made upon him, he was so far from having the Bowels of an English Man, or any thing of Christianity in him, that he does say he broke out into this extravagant Expression, saying, *Dam him, Rot him, he had Armour on, Dam him, Rot him, he had Armour on*: I speak it Twice over, because Mr. *Arnold* tells you that the Persons, during the Fact was committing, said, *Damme Cut his Throat, he has Armour on*. The next person comes and tells you, at a certain place in *Monmouthshire* upon the 5th of May following, that he went with one of the *Richmonds* to this *Giles*, and had some discourse: Says he, *How chance you have not been as good as your Word, about providing me Horse-hair to make Fishing-lines, and you promised to leave it at a Farriers in Gloucester?* How chance it was not so? He immediately adds, *We were in such extraordinary haste, because we thought we were pursued about the business of Arnold*. And that he gives as the Reason why he did not stay at *Gloucester*. If in case it had not been so, why should he come and tell him he could not stay about the business of the Hair, because he was like to be pursued about the business of *Arnold*. The next thing, Gentlemen, is concerning one *Powel*; *Powel*, he tells you, that he being at one *Darcies* house, a Roman Catholick, that is a Sword Cutler that lives, I think likewise, at *Uske*. And it seems the Prisoner at the Bar came to him to have his Sword mended. By the way I should have told you that the Prisoner at the Bar before the Fact was done, did enquire at a place where he might have a good Rapier: that was before the Fact was done.

The

The Witness spake of it last, which was the occasion that I did not give it you in order. He asked where he might have a good Rapier?

But now to come to *Darcy*, *Darcy* having been very familiar with him, inquired, Wherefore, having had his Sword so lately, he should have it to mend already? *Have you*, said he, *been fighting with the Devil?* Immediately upon that he swears the Prisoner return'd, *No, but with dam'd Arnold*. And upon that his Wife pluckt him by the Coat, and bid him hold his Tongue. I think that is the substance of what he swears. He says there were by at that time the Prisoner at the Bar, the Apprentice to this *Darcy*, and a Woman, that is the Prisoners Wife.

*William Richmond* he comes and gives you a further Account, That he being in his company, he tells you, They went to some place in the City to inquire after their Friends, and afterwards went to the *Artillery* to see the Exercise, then to *Long-lane*, from thence to *Whetstones-Park*, and afterwards to *Drury-lane*; and that about Nine a Clock at Night they came to their Inn, and he left *Giles* taking a Pipe of Tobacco in the Kitchen, and went up into his Chamber with some other People drinking and making merry; and he does positively say that between Eleven and Twelve a Clock at Night, he saw the Servant Maid come up into the Room, and did see she was making the Bed; that he seem'd to be a little surprized that any Body should make a Bed at that time of Night, which occasioned him to go in to her, and ask her the question. The Answer that he had was very Material, that she said, *There is a Gentleman below that I must make this Bed for, he does not desire to have any body lie with him*. That was the Answer the Maid gave. There was, he says some little talk of love between him and the Maid, and that he positively says was near upon Twelve a Clock. He says that after this, he went into his own Chamber, and continued in his own Chamber till nigh One, and about One, being pulling off his Breeches, the Prisoner at the Bar



Bar came and knocked at his Chamber door and spake to him; and that was near One a Clock at Night. But it is plain, during that time the Prisoner was not in his Chamber, if you believe him; nor indeed is there any Account given of the Prisoner from Nine a Clock till near One, till he knockt at his door, as he was pulling off his Breeches and going to Bed. As to the Answers that are given by the Witnesses of the other side, I shall give you them, when I descend to give you the Testimonies of the other side.

To give you yet this further Testimony, say they, We do not only give you this Testimony that he is guilty of this Fact, but we do give you an Account of him, that he is very likely to do such a thing; for he is an Ill Man in himself. As on the other side, no man can give a better Testimony to himself in matters that are dark and obscure, than the Testimony of his Conversation, that he is upright in his Conversation; and therefore cannot be thought guilty of so base an Action: So, they think they give a good Evidence against him, that he is an Ill Man in himself; and therefore because he is an Ill Man, he may be guilty of such a thing. And to prove that, they call up these Witnesses.

First of all, one *Bridges* comes and gives you an Account, that discoursing with him concerning the Papists, he damn'd the Plot, and said that all were Rascalls that were not Papists; and if in case that the Lords that were in the Tower should happen to suffer, it would be a Bloody day, and it would make bloodier work in *England* than ever was known: Which shews he is a Bloody Ill Man. The Prisoner ask'd him, If he were not a Papist? Its likely he was a Papist before, or he would not have trusted him so. And this is one Circumstance to prove that he is an Ill Man, that he hath given out such and such Expressions.

There is another, one *Reynolds*, who comes and gives you an Account of his having some Discourse with him afterwards about this Business of Mr. Ar-

*nold*, that the Prisoner talked slightly of it, and said that he might do it himself.

This, Gentlemen, I take in general to be the substance of what hath been offer'd for the King. If there be any thing else that doth not occur to my Memory, if it doth to yours, you will do well to consider of it.

Say the Council for the Defendant, and that every man of the Long Robe ought to say, that if the Person, which is the Prisoner at the Bar, were guilty of such a barbarous thing as this, no man would offer to open his Mouth. And therefore they offer Evidence for their Client as they are instructed to offer to you; and you are to try whether their Client be guilty.

Say they, You first call one *Phillips* to give an Account, and as to what *Phillips* says about the business in *Covent-Garden*, about *Dam him*, and *Rot him*, they bring one that was there all the time, and says he, *I was by all the time, and I heard no such words*. So far was he from making any particular Reflections upon Mr. *Arnold*, that he cried it was a very horrible, a very barbarous thing. Nay, says he, to give Credit to this Testimony of his, I never use to keep company with them that use such words, as, *Damn him*, and *Rot him*; as he says.

The next Witness, is Mr. *Herbert Jones*, he comes and tells you, I went with him from *London*, I went with him to *Glocester*, I staid at an Inn call'd the *Old-Bear*, and staid and dined with him there. I went after that to the *New-Bear*, we went thither and drank Cyder together; and this was very publick: for several persons that lived in the Town came to us, and enquired after the business of *Arnold*; and if in case we had been under any such Jealousy as that was, we would not have staid so long, as says he, we did. Say they on the other side, we do not say that you did not stay in *Glocester*; but, say they, by way of Objection against the Prisoner at the Bar, we say that you your self, on the Fifth  
of

of *May*, said, in Answer to the Person that came to ask you, Why you had not brought the Hair, that he might go a Fishing? You said, We durst not stay, for fear of pursuit upon the Account of *Mr. Arnold*. This you your self said, and by saying so, you have contracted that guilt in point of Circumstance, which is objected by us against you. This is the Answer given to that that *Mr. Jones* says.

The next Person that comes to give you an Account, is one *John Jones*, who is the Apprentice: Says he, you bring a Witness against me that I said such a thing at *Uske*, at *Darcy's* the Sword Cutlers, and you say the Apprentice was by: And he gives you this Evidence: Says he, I was by at such a time as the man speaks of, and being by at that time, I do very well remember, that there was a Discourse concerning some great Conflict that *Mr. Giles* had been in, and that *Giles's* Wife was by, and so was t'other Person that gave the Evidence that such a Discourse there was of fighting with the Devil; but now he inverts the saying of t'other man, and says that he should say, *He never met with Arnold the Devil*. The one answers, when the thing was asked him, Whether he had been fighting with the Devil? *No, not with the Devil, but with Arnold*. The other swears, *He did not meet with the Devil Arnold*. He tells you likewise his Wife did not pull him by the Cloaths, and bid him hold his Tongue.

The next Witness is *Howel*, and he gives you an Account that he came with him to Town; he gives you an Account how he staid with him, and came along with him till Nine a Clock at Night: for he does not pretend to give you an Account after Nine.

Then comes *Crook*, and *Crook*, that is the Maid Servant; she says, I cannot positively tell you when he came in, but I will positively say that I made his Bed about Ten, and before Eleven I asked him about his



his Candle, he bid me lock the door, and he would put out the Candle himself; and she went away and left the Candle. And that is very material; for the time this Fact was committed, was between Ten and Eleven. This is what the Maid says. Now there is this Answer to what she swears. She first of all forgot that ever *Richmond*, that speaks concerning the Breeches and other Circumstances, that ever he was there at all: but you hear he has refreshed her Memory with a Love Story, that he was in the Room, and she does agree in these very Circumstances he speaks of: so that that gives credit to the Testimony of *Richmond*, and puts a disparagement upon her Testimony, since she could be so exceeding forgetful, as not to remember such a Circumstance.

The next is an Old Woman, and she swears point-blank she was with him most part of the day; and that she was with him at Dinner, and was with him till Nine of the Clock at Night, and then went to Bed. And though she seem'd to differ and blunder in some part of her Testimony, because she knew nothing of his going into *Longlane* and other places; however she gives an Account about the time of Nine a Clock, that she left him in the Kitchen, and then she went to Bed.

The next Witness is *James*, and *James* doth positively swear that he was drinking with him in the Kitchen, till past Twelve a Clock at Night; but that cannot be true, if the Wench that made the Bed, swear true: for she swears she made the Bed before Ten, and he went to bed before Eleven; so that he could not be a-bed before Eleven if he swears true: and he could not be in the Kitchen at Twelve a Clock, if she swears true.

Gentlemen, *Richmond's* Man he gives you no further an Account than what runs square to his Masters Testimony, that he left him at Nine a Clock at Night, and he heard him call at his Masters Chamber about Twelve; and so they punctually agree. But he gives no manner of Account where he was be-

between Nine and Twelve, between which hours this Fact was done.

Next Gentlemen, There have been some more Witnesses called for the Prisoner at the Bar, who give you an account where he was before such time as he came to his Lodging. Now it is not denied on either side, but that he might be till within Night at that House they speak of; but the Account that is desired to be given of this Matter, is to know where he was between Nine a Clock and Twelve, when this Fact was committed.

These, Gentlemen, according as it occurs to me, are the substantial parts of the Evidence, both on the one side and the other. The Matter therefore resolves it self within this narrow compass, If upon what you have heard from Mr. *Arnold*, attended with the rest of the Circumstances that you have heard sworn by the Witnesses, you do believe the Prisoner at the Bar is guilty: for he might be at his Lodging at Nine a Clock, and he might be at his Lodging at Twelve or One, and yet he might do this Fact: for it is certain it was not a sudden Matter, for it was a thing done preparedly; and therefore you must not expect that men that are guilty of such barbarous Designs as this, will lay their Designs open. To be sure, whoever it was did this Fact upon Mr. *Arnold*, they would do it so as to make themselves appear as Innocent as could be. It is not a Matter to be relied on, that because this man was Innocent in *St. Martins lane*, therefore he did not do this thing in *Bell Yard*.

There is another Circumstance against the Prisoner at the Bar, that he should imagine, notwithstanding all this, that Mr. *Arnold* had wounded himself; but when he found that that was not very probable, that a Man could wound himself so, by reason of several places that he received his Wounds in, he would have it, that though he did not do it himself, yet some of his Friends might. Indeed if he be guilty, some of his Relations might do it: but certainly he was no Friend that did it. It is against

Nature for any man to believe, that any Person should put himself to so much trouble; if he had a mind to dispatch himself, he might have done it with much more ease, and not have put himself to that trouble: For Men, when they have a mind to do the business, they do not use to take such a deal of pains to stabb themselves here and there.

Thus, Gentlemen, the Evidence being very long, and the Circumstances very many, things may occur to you, that do not at present to me. Yet I must tell you again in a Matter of Publick Example, the Proof ought to be very great, to convict a Man of such an Offence: but you must not expect it should be so clear, as in a Matter of Right between Man and Man, and of things that are done in the Face of the Sun. It was done in the dark. The Devil that set them a-work, does fill them with Cunning enough to keep this Attempt as concealed as may be: And therefore Circumstances of this Nature must be wonderfully considered: An Account of which Mr. *Arnold* himself gives you, and he does believe, in his Conscience the Prisoner at the Bar to be the Man.

---

**T**He Jury with-drew, and having debated together about half an hour, returned, and brought the Prisoner in Guilty. Which done, the Court adjourned till the Saturday following, the Seventeenth of July: At which time the Court being sate, John Giles was brought to the Bar, to whom the Right Wor-  
shipful



*Shipful Sir George Jeffreys, delivered himself to this Effect :*

**Y**OU the Prisoner at the Barr , you have been Indicted for a very Vile Offence ; an Offence in its Nature that deserves a greater Punishment than the Law can inflict upon any such Offences. There is a Jury has Convicted you of this Crime, against whom, had you had any Objection, you might have made your Challenge. And now you stand convicted here, it is only the Duty of the Court to pronounce that Judgment against you , which they think may be reasonable to inflict upon such an Offender. For I must needs say , It was one of the basest and most barbarous Actions , that Mankind could possibly be Guilty of ; an Action of so much filth and baseness, that the Law could not fore-see any Man would be Guilty of ; and therefore hath not made provision for a Punishment proportionable to it. But in as much as we understand by Mr. *Arnold* you have a charge of Children , therefore the Court takes some Consideration ; not that they think to extend any mercy to you for your own sake, but a regard they think they are bound to have for those that have not offended ; but we ought to have a care to let the World know we do not intend only a punishment to the Offender , but by that to terrifie all other People from being Guilty of such extraordinary Villanies. And because they will have regard to your posterity , therefore they do not think fit to put so great a Fine upon you as this Fact does deserve. But on the other side , they have thought fit you should be made an Example of , and that you should suffer as great a Corporal Punishment as the Law will allow. And therefore in the Name of the Court , I do Pronounce this to be your Sentence :

*That*

**T**Hat you be put in the Pillory towards  
 Lincolns-Inn Fields, as near the place  
 where this barbarous Fact was committed, as  
 may be; and there you are to stand from the  
 hour of Twelve till One, one day, at Noon-  
 day: And on another day from the hour of  
 Twelve till One, over against Grays-Inn  
 in Holbourn. And another day between the  
 same hours, just by the May-Pole in the  
 Strand. These three several days you are to  
 stand in the Pillory, and to have a Paper put  
 upon your Hatt, whereby it shall be signified,  
 the Offence of which you stand convicted. And  
 next, to deter all others from committing the  
 like, the Court does think fit likewise to award,  
 That you should pay to the King the Sum of  
 Five hundred Pounds, and that you be  
 committed in Execution, till such time as you  
 pay that Money. And because it is both to be  
 a Punishment to you, and a Terror to all other  
 such Villains, you are to find Sureties for your  
 Good Behaviour during Life.

Sentence being pronouuc'd, and the Prisoner  
 removed from the Bar, Richard Cavanaugh was  
 brought to the Bar, and prayed to be discharged:  
 But was by Mr. Arnold charged with threatening one  
 Phillip Staneright, one of the Kings Witneses; for  
 which reason, and for that also a new Evidence was  
 come in against the said Cavanaugh, with some far-  
 ther

ther Charge relating to Mr. *Arnold's* Business, the Court thought fit, for want of Bail, to continue him a Prisoner.

Then Mr *Herbert* appeared, and prayed to be discharged from his Recognizance to appear at the *Old-Bailly*; but being accused by a Woman for calling her Whore, Jade, and very ill Names, and holding up his Staff at her, and threatening to beat her, for being a Witness against his Friend *Giles*; as also for taking away her Horse as she was going to the Mill, and the reason was, because she was to be a Witness in *London* against *Giles*. But she being a Married Woman, and none appearing that would be bound to prosecute him for it, he was not bound over to answer it, till another Complaint came in against him, which was immediately made by Mr. *Ballard* and another Gentleman; who charged Mr. *Herbert*, That, in Whitson-week last, upon a Discourse for Chusing Knights of the Shire for *Monmouth*, and the saying of one in the company, that it was thought Mr. *Arnold* would stand for it, Mr. *Herbert* should make answer, I will circumcise the other side of his Cheek first, or he must have the other side of his Cheek circumcised first. Upon which the Court ordered he should not be discharged, but remain bound upon the former Recognizance to appear there next Sessions. And the Recorder gave him several sharp Reprehensions for his malicious and unmanly Words and Proceedings. This being the second of the Kings Witnesses, and a Woman that he had barbarously treated; still passionately giving the reason, that they were Witnesses against his Friend *John Giles*, as it was proved on Oath before the Court by several Witnesses.

Then Sir *Thomas Allen* acquainted the Court that a Gentleman had informed him the day before, that Mr. *Herbert* told him that Mr. *Arnold* wounded himself, and cut his own Throat; which the Court took upon as an high effect of a malicious ingratitude, Mr. *Arnold* having besought his Majesty, when Mr. *Her-*



bert was in *Newgate*, to have his Release. Mr. *Arnold* replied, That Mr. *Herbert* had been more ungrateful to his Majesty, who had graciously pardoned him greater Offences, and lately: for he had spoken worse of his Majesties Person and Government than he had done of him, as it had been proved before his Majesty; and of which he believed his Majesty was well satisfied. The Court told Mr. *Herbert* he was a shame to all Englishmen, and bound him by Recognizance to appear and answer this Offence at the Kings Bench Bar the First day of the next Term.

And the Recorder gave him several sharp Re-  
monstrances for his malicious and unmanly Words  
and Proceedings. This being the Command of the King  
the former Recusance to appear there next sessi-  
on should not be dispensed, but remain bound upon  
circumstanced first. Upon which the Court ordered the  
Check first, of the man have the other side of his Check  
made answer, I will circumstanced the other side of his  
Mr. Abbot would find it **S I N I F I C A N T** and Mr. Abbot should  
the laying of one in the company, that it was thought  
for Chivalry Knights of the Shine for Monarchs, and  
best. That in Wyndon-week last, upon a Discom-  
fort, and another Gentleman, who charged Mr. Ab-  
bot to answer it, till another Complaint came in a-  
gainst him, which was immediately made by Mr. Ab-  
bot and Warrant, and none appearing there would be  
bound to produce him forth, he was so bound e-

**I**N Obedience to an Order shewed to me, made by the Right Honourable the Lords Spiritual and Temporal in Parliament Assembled, I have perused these Papers; and according to the best of my remembrance, upon this distance of time, they do contain the substance of what passed at the Trial of Giles.

**GEO. JEFFREYS.**